

**EIGHTY-FIFTH GENERAL ASSEMBLY
2013 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 22, 2013

HOUSE FILE 380

H-1201

1 Amend House File 380 as follows:
2 1. Page 5, after line 27 by inserting:
3 <1. If an alleged liability is owing and payable
4 that would allow a county to refuse to renew a
5 vehicle registration, the county shall, in addition
6 to satisfying other applicable setoff procedures
7 established under this subsection, provide notice
8 of the alleged liability to a debtor when a vehicle
9 registration renewal statement is sent to the debtor
10 by the county.>
11 2. By renumbering as necessary.

By GASKILL of Wapello

H-1201 FILED MARCH 21, 2013

HOUSE FILE 495

H-1198

1 Amend House File 495 as follows:

2 1. Page 1, line 18, by striking <six> and inserting
3 <seven>

4 2. Page 1, by striking lines 21 through 24 and
5 inserting <For rental agreements in which the rent is
6 greater than seven hundred dollars per month, a rental
7 agreement shall not provide for a late fee that exceeds
8 twenty dollars per day or a total amount of one hundred
9 dollars per month.>

10 3. Page 1, before line 25 by inserting:

11 <Sec. _____. Section 562A.12, subsection 7, Code
12 2013, is amended to read as follows:

13 7. The bad faith retention of a deposit by a
14 landlord, or any portion of the rental deposit, in
15 violation of this section shall subject the landlord
16 to punitive damages not to exceed ~~two hundred dollars~~
17 twice the monthly rental payment in addition to actual
18 damages.>

19 4. Page 1, after line 32 by inserting:

20 <Sec. _____. Section 562A.26, Code 2013, is amended
21 to read as follows:

22 562A.26 Tenant's remedies for landlord's unlawful
23 ouster, exclusion, or diminution of service.

24 If the landlord unlawfully removes or excludes
25 the tenant from the premises or willfully diminishes
26 services to the tenant by interrupting or causing
27 the interruption of electric, gas, water, or other
28 essential service to the tenant, the tenant may recover
29 possession pursuant to section 648.1, subsection 1, or
30 terminate the rental agreement and, in either case,
31 recover the actual damages sustained by the tenant,
32 punitive damages not to exceed twice the monthly rental
33 payment, and reasonable attorney fees. If the rental
34 agreement is terminated, the landlord shall return all
35 prepaid rent and security.

36 Sec. _____. Section 562A.29A, subsection 1, Code
37 2013, is amended to read as follows:

38 1. A written notice of termination required under
39 section 562A.27, subsection 1, 2, or 5, a notice of
40 termination and notice to quit under section 562A.27A,
41 a written notice of termination as required by section
42 562A.34, subsection 1, 2, or 3, or a notice to quit
43 required by section 648.3, shall be served upon the
44 tenant by one or more of the following methods as
45 provided in this subsection:

46 a. A landlord shall serve notice on a tenant by one
47 or more of the following methods:

48 (1) Delivery evidenced by an acknowledgment of
49 delivery that is signed and dated by a resident of
50 the dwelling unit who is at least eighteen years of

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1 age. Delivery under this paragraph shall be deemed to
2 provide notice to all tenants of the dwelling unit.

3 ~~b.~~ (2) Personal service pursuant to rule of civil
4 procedure 1.305, Iowa court rules, for the personal
5 service of original notice.

6 ~~e.~~ (3) Posting on the primary entrance door of
7 the dwelling unit and mailing by both regular mail
8 and certified mail, as defined in section 618.15, to
9 the address of the dwelling unit or to the tenant's
10 last known address, if different from the address of
11 the dwelling unit. A notice posted according to this
12 paragraph shall be posted within the applicable time
13 period for serving notice and shall include the date
14 the notice was posted.

15 b. A tenant shall serve notice on a landlord by one
16 or more of the following methods:

17 (1) Delivery evidenced by an acknowledgment of
18 delivery that is signed and dated by the landlord or
19 the landlord's agent designated under section 562A.13.

20 (2) Personal service pursuant to rule of civil
21 procedure 1.305, Iowa court rules, for the personal
22 service of original notice.

23 (3) Mailing by both regular mail and certified
24 mail, as defined in section 618.15, to the address
25 of the landlord's business office or to an address
26 designated by the landlord for mailing.>

27 5. Page 2, after line 29 by inserting:

28 <Sec. _____. Section 562B.10, Code 2013, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 3A. For rental agreements in
31 which the rent does not exceed seven hundred dollars
32 per month, a rental agreement shall not provide for
33 a late fee that exceeds twelve dollars per day or a
34 total amount of sixty dollars per month. For rental
35 agreements in which the rent is greater than seven
36 hundred dollars per month, a rental agreement shall
37 not provide for a late fee that exceeds twenty dollars
38 per day or a total amount of one hundred dollars per
39 month.>

40 6. Page 2, after line 29 by inserting:

41 <Sec. _____. Section 648.22A, Code 2013, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 1A. If the plaintiff is the party
44 making the election, the plaintiff may, at the time
45 judgment is entered, request an order of removal of the
46 defendant and may request that the sheriff execute the
47 order of removal of the defendant from the property.
48 The sheriff shall serve a copy of the judgment, order
49 of removal, and written notice of election on any
50 occupant of the mobile home or manufactured home over

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1 the age of eighteen or by affixing a copy of the
2 judgment and notice of election to a main entrance of
3 the premises. The order is subject to the provisions
4 of this section.>

5 7. Title page, line 1, after <laws> by inserting
6 <and related forcible entry and detainer laws>

7 8. By renumbering as necessary.

By HEARTSILL of Marion

H-1198 FILED MARCH 21, 2013

HOUSE FILE 593

H-1199

1 Amend House File 593 as follows:

2 1. Page 4, line 21, by striking <section> and
3 inserting <section, and including notification of the
4 parents or guardians of all students directly involved
5 in a reported incident of harassment or bullying>

By HALL of Woodbury

H-1199 FILED MARCH 21, 2013

HOUSE FILE 593

H-1200

1 Amend House File 593 as follows:

2 1. Page 6, after line 9 by inserting:

3 <8. A parent, guardian, or legal or actual
4 custodian of a student shall prevent the student from
5 engaging in harassment or bullying at any time.>

6 2. Page 6, line 10, by striking <8.> and inserting
7 <8. 9.>

8 3. Page 6, line 17, by striking <9.> and inserting
9 <10.>

10 4. Page 6, line 20, by striking <10.> and inserting
11 <11.>

By HALL of Woodbury

H-1200 FILED MARCH 21, 2013

Fiscal Note

Fiscal Services Division



HF 573 – Assault on Public Transit Worker (LSB 2095HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)

Fiscal Note Version – New

Description

House File 573 expands protected classes under [Iowa Code section 708.3A](#) (assaults on persons engaged in certain occupations) to include an assault on a public transit bus operator. A person convicted of assaulting a member of a protected class is subject to enhanced penalties.

Background

Correctional and Fiscal Information

- Current law provides a graduated system of penalties ranging from a serious misdemeanor to a Class “C” felony, depending on the circumstances of the assault on a protected class. Felony convictions under [Iowa Code section 708.3A](#) are forcible felonies with a mandatory sentence to prison.
- The impact to the Judicial Branch operating budget is the case cost difference between an aggravated misdemeanor (\$209) and a Class “D” felony (\$427). The case costs are approximately the same for a serious and an aggravated misdemeanor.
- The table below shows FY 2012 offender-based convictions for assaults on a protected class, according to the Justice Data Warehouse:

FY 2012 Convictions by Offense Class

Offense Class	Convictions
Serious Misdemeanor	397
Aggravated Misdemeanor	111
Class "D" Felony	20
Total Convictions	528

- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division, and the Department of Corrections, the following are estimates for sentencing, length of stay by offense class, and costs for assaults on a protected class:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Average Cost per Day for Prob/Parole	Percent Sentenced to CBC Res. Facility	Avg Length of Stay in CBC Res. Facility	Marginal Cost Per Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day*
Serious Misdemeanor	3.9%	6.9 months	\$17.60	39.9%	12.5 months	0	\$3.66	0.9%	5.8 months	\$11.82	65.4%	49	\$15.00
Aggravated Misdemeanor	13.1%	11.0 months	\$17.60	45.4%	20.4 months	5.5 months	\$3.66	3.1%	5.8 months	\$11.82	50.8%	59	\$15.00
Class "D" Forcible Felony	100.0%	22.9 months	\$17.60	80.0%	0	12.5 months	\$3.66	0.0%	0	\$0.00	0.0%	0	\$15.00

*Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.

- Approximately 94.0% of the marginal cost per day for Community-Based Corrections (CBC) residential facilities is paid from local resources.

Minority Data Information

The table below shows the FY 2012 offender-based convictions for assaults on a protected class by race/ethnicity, according to the Justice Data Warehouse. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

FY 2012 Convictions for Assault on Protected Classes by Race/Ethnicity

Conviction Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian	Percent Other or Unknown
Serious Misdemeanor	69.3%	18.6%	2.5%	1.5%	0.5%	7.6%
Aggravated Misdemeanor	61.3%	24.3%	2.7%	2.7%	0.9%	8.1%
Class "D" Felony	60.0%	15.0%	5.0%	5.0%	0.0%	15.0%
Total Convictions	67.2%	19.7%	2.7%	1.9%	0.6%	7.9%

Refer to the [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- A percentage of current convictions for serious misdemeanors will become aggravated misdemeanors under this Bill. A percentage of aggravated misdemeanors will become Class "D" felony convictions under this Bill.
- These will be bench trials.
- The impact on the indigent defense budget is expected to be minimal. The fee cap for a serious misdemeanor conviction is \$600. The fee cap for an aggravated misdemeanor is the same as a Class "D" felony — \$1,200.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

The correctional impact cannot be estimated due to a lack of data. However, a percentage of offenders currently convicted of a serious misdemeanor and sentenced to probation will be convicted of an aggravated misdemeanor and sentenced to State prison or county jail with probation. A percentage of offenders currently convicted of an aggravated misdemeanor and sentenced to county jail will now be convicted of a Class "D" felony and sentenced to State prison.

Minority Impact

The minority impact cannot be estimated but may be significant. Approximately 24.9% of offenders convicted under this Bill's provisions may be minorities, specifically Blacks and Native Americans. This Bill shifts a percentage of serious misdemeanor convictions to aggravated

misdemeanor convictions, and a percentage of aggravated misdemeanor convictions to Class "D" forcible felony convictions. Enhanced penalties will result in an increased number of minority offenders supervised in the correctional system, and they will be supervised for a longer period than under current law.

Fiscal Impact

The fiscal impact cannot be estimated but may be significant, depending on the number of convictions under the provisions of this Bill. State General Fund costs for one serious misdemeanor assault conviction total approximately \$1,700. State General Fund costs for one aggravated misdemeanor assault conviction total approximately \$3,400. State General Fund costs for one Class "D" forcible felony assault convictions total approximately \$17,100. Cost estimates for all offense classes will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
State Court Administrator's Office

/s/ Holly M. Lyons

March 21, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 543 – Propane Education and Research Council (LSB 1907HV)
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 543 modifies provisions applicable to the Propane Education and Research Council.

Background

The Iowa Propane Education and Research Council is a nonprofit organization established by the Propane Education and Research Council Act ([Chapter 182, 2007 Iowa Acts](#)). The Council and its activities are funded from an annual assessment from propane marketers in the State of Iowa at a rate of one-tenth of one cent on each gallon of odorized propane sold in Iowa. The Council is required to develop programs and projects to enhance consumer and employee safety and training, provide for research and development of clean and efficient propane utilization equipment, provide information and education to the public about safety and other issues associated with the use of propane, and develop programs and projects that provide assistance to individuals eligible for the low-income energy assistance program. Issues related to research and development, safety education, and training are to be given priority by the Council in the development of programs and projects.

The FY 2012 Iowa Propane Education Research Council Programs and Projects totaled \$284,603. Of this total, \$278,572 was expended as follows:

Project	Amount Estimated	Amount Expended	Program End Date
2012 Energy Star Safe Furnace Rebate	\$ 110,000	\$ 110,000	12/15/2012
Safety Director Project	126,000	126,000	on-going
Continuing Education and Training Materials	15,000	15,000	on-going
Fire Service Training Bureau Fire Schools	12,000	6,600	12/5/2012
Farm Bureau Co-Sponsor	1,000	1,000	9/30/2012
2012 DOT Hazmat Classes	4,000	3,493	7/18/2012
LIHEAP "Out of Gas" Brochures	600	476	12/13/2012
Coloring Book Project for the State Fire Marshal	6,160	6,160	6/30/2012
Fire Training Bureau Prop	9,425	9,425	5/31/2012
Propane Railcar Research Project	418	418	1/31/2012
	<u>\$ 284,603</u>	<u>\$ 278,572</u>	

Projects are not done on a calendar year. Some dollars not used in 2011 were used in 2012.

The one-tenth of one cent on each gallon assessment took effect January 2008. The following chart shows the amount collected by the assessment each calendar year.

Iowa Propane Education and Research Council Assessment				
2008	2009	2010	2011	2012
\$ 335,569	\$ 486,027	\$ 324,430	\$ 321,781	\$ 272,435

According to the U.S. Energy Information Administration, the following is information on all sales and deliveries of Iowa propane by prime supplier.

Iowa Propane All Sales/Deliveries by Prime Supplier						
(Thousands of Gallons Per Day)						
2005	2006	2007	2008	2009	2010	2011
791.2	769.2	817.0	1,108.5	1,285.9	890.0	815.6

This Bill permits the Council, upon majority vote, to increase or decrease the annual assessment as necessary, but the amount cannot exceed two-tenths of one cent on each gallon of odorized propane sold. The amount collected by the Council has been decreasing in recent years due to mild winters and dry summers, and therefore, lower propane sales. The following is an example comparing this Bill to current law:

Current Law	1,000 gallons x .001=\$1.00
HF 543	1,000 gallons x .002= \$2.00

Fiscal Impact

There is no impact to the State General Fund.

Based on the calendar year 2012 experience, the maximum impact to propane retailers will be an annual assessment fee increase statewide of \$272,000, for a total impact of \$544,000.

Sources

Department of Public Safety
Iowa Propane Gas Association
U.S. Energy Information Administration

/s/ Holly M. Lyons

March 21, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 511 – Farm Property Inheritance Tax Exemption (LSB 1880HV)

Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)

Fiscal Note Version – New

Description

House File 511 creates an inheritance tax exemption for persons inheriting Iowa farmland, as long as the person or entity inheriting is sufficiently related to the decedent. This Bill creates a claw-back provision that requires the tax to be paid, with interest, if the person benefiting from the exemption later sells the farm property, within 10 years of the inheritance, to a person that is not sufficiently related to the decedent. The claw-back provision is created through a property lien to be filed on all inherited property where the new exemption provides a benefit.

For the exemption, farm property is defined as real farm property of 10 acres or more and the related farm machinery. Farm property also includes any residence, garage, and farm building on the property. The exemption is effective with deaths occurring on or after July 1, 2013.

Background

Current Iowa law exempts a spouse, or stepchild, as well as all linear descendants and ascendants (parents and grandparents, children and grandchildren) of the decedent from the Iowa inheritance tax. Other related individuals, such as brothers, sisters, nieces, or nephews, may have the inheritance taxed at 5.0% to 10.0% of its net value, depending on the value of the inheritance and the relationship to the decedent. For unrelated persons, the tax rate is 10.0% to 15.0%. For-profit corporations are taxed at 15.0% of the inheritance.

Assumptions

The Iowa inheritance tax return requires a listing of the type of real property involved in the estate along with the value of each type of real property. The Department of Revenue reviewed 112 recent inheritance tax returns (approximately 5.0% of annual returns) and noted that 24 returns (21.4%) listed farmland as part of the estate. The Department calculated the actual average tax rate for each return by dividing the tax owed by the net inherited value. The Department then calculated the net inherited value without the farmland and reapplied the tax rate. The tax reduction associated with farmland equaled 48.1% of the tax due on all 112 sample returns.

The Department then applied the 48.1% tax reduction to projected State General Fund inheritance tax revenue, beginning with the fourth quarter of FY 2014.

In this analysis, it was assumed that all taxpayers who take the exemption maintain the ownership of the property for the required ten years and therefore no revenue would be generated by the claw-back provision.

Fiscal Impact

The inheritance tax exemption for farmland created in this Bill is projected to reduce net General Fund revenue by the following amounts:

- FY 2014 = \$ -11.5 million
- FY 2015 = \$ -49.3 million
- FY 2016 = \$ -51.1 million

- FY 2017 = \$ -54.5 million

The exemption will continue to have a General Fund impact in future fiscal years, with the impact projected to be similar to FY 2017. Significant changes in the value of farmland will in turn have a significant impact on the General Fund revenue reduction.

The Department of Revenue estimates that administering the exemption, including tracking the property liens that will result from the exemptions, will require one additional Revenue Examiner position, at an annual salary, benefits, and support cost of \$77,000.

Source

Department of Revenue

/s/ Holly M. Lyons

March 20, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 534 – Identity Theft (LSB 1820HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)

Fiscal Note Version – New

Requested by Representative Mary Wolfe

Description

House File 534 eliminates the aggravated misdemeanor penalty for the crime of identity theft, so the only penalty for identity theft is a Class “D” felony. This Bill specifically exempts certain age groups and offenses from committing the crime of identity theft.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties, ranging from an aggravated misdemeanor to a Class “D” felony, based on a \$1,000 threshold. If the value of the items is \$1,000 or less, the penalty is an aggravated misdemeanor. The penalty is a Class “D” felony for items in excess of \$1,000.
- The table below shows the FY 2012 Iowa district court disposition data for identity theft. There were 390 disposed charges, with 212 (54.4%) dismissed or acquitted, and 153 (39.2%) were convicted. Of the 153 convictions, 93 (60.8%) were convicted as charged. Sixty charges resulted in a conviction of an offense other than identity theft.

FY 2012 Data for Disposed Charges of Identity Theft

Offense Level	Disposed	Dismissed/	Convicted	Convicted
	Charges	Acquitted		as Charged
Identity Theft	9	4	5	2
Identity Theft Agg. Misd.	225	139	74	59
Identity Theft "D" Felony	156	69	74	32
Total	390	212	153	93

- This Bill eliminates the sentencing option of an aggravated misdemeanor penalty.
- The impact to the Judicial Branch operating budget is the case cost difference between an aggravated misdemeanor (\$209) and a Class “D” felony (\$427).
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division, and the Department of Corrections, the following are estimates for sentencing, length of stay by offense class, and costs for identity theft:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Average Cost per Day for Prob/Parole	Percent Sentenced to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day*
Aggravated Misdemeanor	3.6%	8.0 months	\$17.60	70.0%	20.4 months	5.5 months	\$3.66	3.6%	58	\$15.00
Class "D" Felony	19.2%	13.8 months	\$17.60	80.8%	33.9 months	12.5 months	\$3.66	0.0%	0	\$15.00

*Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.

For aggravated misdemeanor convictions, approximately 22.8% of offenders convicted of identity theft are not supervised in the corrections system. They usually receive a financial penalty, community service, or some combination thereof. Offenders sentenced to county jail may or may not receive a probation sentence that is supervised by Community-Based Corrections (CBC) staff.

Minority Data Information

The table below shows the FY 2012 offender-based convictions for aggravated misdemeanor identity theft, where races/ethnicity is known. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

FY 2012 Convictions by Race for Aggravated Misdemeanor Identity Theft

Conviction Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian
Identity Theft Agg. Misd.	62.7%	13.4%	22.4%	0.0%	1.5%

Refer to the [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- There will be decreases in county jail sentences for aggravated misdemeanor convictions.
- Current convictions for aggravated misdemeanors will become Class “D” felony convictions under the Bill.
- The impact of exempting juveniles from the offense of identity theft cannot be estimated but is expected to be minimal.
- These will be bench trials.
- The impact on the indigent defense budget is expected to be minimal. The fee cap for an aggravated misdemeanor is the same as a Class “D” felony — \$1,200.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

There will be and estimated 73 offenders annually convicted of a Class “D” felony under this Bill’s provisions that would have been convicted of an aggravated misdemeanor under current law. Net admissions to the corrections system is indicated in the following table:

Net Admissions to the Correctional System

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
County Jail	-10	-20	-20	-20	-20
State Prison	5	11	11	11	11
Probation/Parole	5	11	19	19	19
Total	<u>0</u>	<u>2</u>	<u>10</u>	<u>10</u>	<u>10</u>

The prison population is expected to increase by five offenders in FY 2014 and 13 offenders annually thereafter. The projected increase in the prison population exceeds admissions because Class "D" felons' average length of stay exceeds one year. The probation and parole population is expected to trend upward over the five-year projection period because the length of stay under supervision exceeds one year for Class "D" felons.

There will be fewer offenders sentenced to county jail under this Bill. Offenders currently convicted of an aggravated misdemeanor and sentenced to county jail will now be convicted of a Class "D" felony and sentenced to State prison or probation.

Minority Impact

It is expected this Bill will have a disproportionate impact on minorities because approximately 37.3% of offenders convicted under the Bill's provisions may be minorities, specifically Blacks and Hispanics. This Bill shifts aggravated misdemeanor convictions to Class "D" felony convictions. Enhanced penalties will result in an increased number of minority offenders supervised in the correctional system, and they will be supervised for a longer period than under current law.

Fiscal Impact

The fiscal impact is estimated to be a net cost increase of \$18,500 in FY 2014 and \$103,400 in FY 2015. The table below shows the fiscal impact by funding source. County jail costs are expected to decrease by \$8,700 in FY 2014 and decrease by \$17,400 annually thereafter.

State General Fund costs are estimated to increase by \$27,200 in FY 2014 and \$120,800 in FY 2015. The State prison costs are estimated to level off in FY 2015 at \$83,500 annually. Costs for CBC supervision are anticipated to increase over the five-year projection period because the length of stay in CBC exceeds one year. Judicial Branch costs are expected to level off at \$15,900 annually in FY 2015.

	<u>FY 2014</u>			<u>FY 2015</u>		
	<u>County Budgets</u>	<u>General Fund</u>	<u>Total</u>	<u>County Budgets</u>	<u>General Fund</u>	<u>Total</u>
County Jail	\$ (8,700)	\$ 0	\$ (8,700)	\$ (17,400)	\$ 0	\$ (17,400)
State Prison	0	15,800	15,800	0	83,500	\$ 83,500
CBC	0	3,300	3,300	0	21,400	21,400
Judicial Branch	0	8,100	8,100		15,900	15,900
Total	<u>\$ (8,700)</u>	<u>\$ 27,200</u>	<u>\$ 18,500</u>	<u>\$ (17,400)</u>	<u>\$ 120,800</u>	<u>\$ 103,400</u>

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
State Court Administrator's Office
Department of Human Services

/s/ Holly M. Lyons

March 21, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 570 – Health Care Facility Informal Conference on Contested Citations (LSB 1705SV)
Analyst: Dwayne Ferguson (Phone: (515) 281-6561) (dwayne.ferguson@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 570 relates to informal conferences on contested citations in health care facilities or assisted living programs. This Bill replaces the current informal conference in which the director of the Department of Inspections and Appeals (DIA) assigns a representative of the Department who was not involved in the contested citation to hold an informal conference with a new process for handling contested citations of health care facilities or assisted living programs. This Bill will require an independent reviewer (an Iowa-licensed attorney with experience or training in geriatric long-term care) to hold the informal conference concurrently with any informal dispute resolution required by federal regulations rather than being held by a representative of the DIA. The independent reviewer cannot have appeared in front of the DIA as an attorney on behalf of a health care facility in the past eight years and cannot have been employed by the DIA in the last eight years. This Bill removes the current informal review process for assisted living programs that receive a regulatory insufficiency and replaces it with an exit interview and informal conference similar to that provided for health care facilities.

Assumptions

- There were 78 informal conferences and informal dispute resolution cases conducted by DIA in FY 2012 at a cost of \$16,000.
- Costs for informal dispute resolution cases vary from \$590 per case to \$2,200 per case across different states.
- The number of cases in future years will be similar to FY 2012.
- The cost for a case in Iowa will fall within the same range as other states.

Fiscal Impact

It is estimated that the changes in this Bill will increase the costs for the DIA for informal conferences from \$16,000 annually to between \$46,000 and \$172,000 annually.

Source

Department of Inspections and Appeals

/s/ Holly M. Lyons

March 21, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
